

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PHILIP M. KELLY,
as Chapter 7 Bankruptcy Trustee in the
Matter of John Loghry and Robyn Loghry,

Plaintiff,

V.

Civil Action No. **3:06-CV-0561-L**

**LEXXUS INTERNATIONAL, INC.,
NATURAL HEALTH TRENDS CORP.,
TERRY LACORE, LISA GROSSMAN,
CURTIS BROOME, and
MARK WOODBURN,**

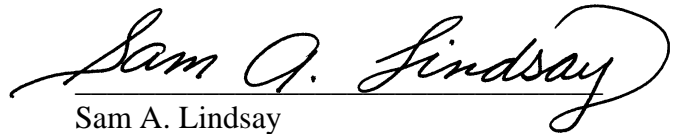
Defendants.

ORDER

On March 17, 2008, counsel for Plaintiff Phillip M. Kelly filed a summons directed to Curtis Broome, stating that he was served on March 8, 2008. This summons was not signed by the clerk of the court and did not bear the seal of the court, as required by Rule 4(a) of the Federal Rules of Civil Procedure, and the docket does not reflect that the court issued a summons for Defendant Broome. In fact, the court dismissed without prejudice all claims against Broome in its memorandum order and opinion of February 13, 2008. On January 8, 2008, the court ordered Plaintiff to effect service on Broome by February 9, 2008, or to show good cause in writing for the failure or inability to effect service. Plaintiff neither served Broome by the deadline nor showed good cause for the more than two-year delay in serving him. Instead, without explanation, Plaintiff simply filed this summons that does not comply with the Federal Rules of Civil Procedure. No leave was sought to serve Defendant Broome out of time, and this document is an attempt to circumvent

the court's February 13, 2008 order. Accordingly, the court **strikes** the summons filed March 17, 2008, because Defendant Curtis Broome has been dismissed from this case and because the filed summons was not issued by the court. Plaintiff is admonished to review and to comply with the Federal Rules of Civil Procedure and the local rules of this district.

It is so ordered this 19th day of March, 2008.

A handwritten signature in black ink, reading "Sam A. Lindsay". The signature is written in a cursive, flowing style. The first name "Sam" is written in a large, bold script, followed by "A." in a smaller script, and "Lindsay" in a large, bold script. The signature is written over a horizontal line.

Sam A. Lindsay
United States District Judge